

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge. The court agrees with the Magistrate Judge and hereby adopts the Report and Recommendation and incorporates it into this order. Accordingly, it is hereby

ORDERED that this action is *dismissed without prejudice and without issuance and service of process*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 31, 2005